APPENDIX A

ORDER OF THE SUPREME COURT OF COLORADO AFFIRMING THE DECISION OF THE PRESIDING DISCIPLINARY JUDGE WITHOUT WRITTEN OPINION.

DATED FEBRUARY 06, 2004

CASE NO. 03SA169

SUPREME COURT, STATE OF COLORADO
TWO EAST 14th AVENUE
DENVER, COLORADO 80203

ORIGINAL PROCEEDING IN DISCIPLINE
APPEAL FROM THE HEARING BOARD, 03PDJ029

IN THE MATTER OF: PATRICK ANENE EGBUNE

ORDER OF COURT

Upon consideration of the Record on Appeal, together with the briefs filed by the parties, and now being sufficiently advised in the premises,

IT IS ORDERED that Order of the Presiding Disciplinary Judge is AFFIRMED.

BY THE COURT, EN BANC, FEBRUARY O6, 2004.
(SEAL)

Copies mailed via the State's Mail Service Division on 02/09/04 HOP

Patrick Egbune
818 S. Chambers Rd. #302
Aurora, CO 80017

Office of the Presiding Disciplinary Judge
Attn.: Tammy

James Sudler
Attorney Regulation Counsel

APPENDIX B

TRANSCRIPT OF PART OF THE COLLOQUY FOR THE DISMISSAL BY THE DISCIPLINARY JUDGE, SUPREME COURT OF COLORADO, OF PETITIONER, PATRICK ANENE EGBUNE'S PETITION FOR REINSTATEMENT TO THE ACTIVE PRACTICE OF LAW. [AT ISSUE CONFERENCE MAY 27, 2003]

Case 03-PDJ-029

SUPREME COURT OF COLORADO

BEFORE THE DISCIPLINARY JUDGE

PATRICK ANENE EGBUNE'S PETITION FOR REINSTATEMENT TO ACTIVE PRACTICE OF LAW

Tape Recorded

Date: May 27, 2003

Appearance:

Judge Keithley

James Sudler

Patrick Anene Egbune

THE COURT: So, you don't have any evidence of rehabilitation?

MR. EGBUNE: I - what kind of rehabilitation is it that you require me to do?

THE COURT: Just, you know, it's - it's not my function, Mr. Egbune, to tell you what kind of evidence to present. My question was, do you have evidence of **rehabilitation?**

MR. EGBUNE: I don't know what **rehabilitation** means. It is vague to me.

THE COURT: So, I guess the answer is "no"?

MR. EGBUNE: I don't know if it is "no" or "yes." It's vague, it's a vague proposition. Therefore, constitutes constitutionality vague.

THE COURT: So, as you sit here today, you don't have any?

MR. EGBUNE: I don't know what that means, Your Honor. If I do, I will explain it to you, clearly. If there was a rehabilitation requirement stated clearly in statutes or rules, and established procedures as to what you need to do, it would not be difficult for me to go and follow the procedure just like the rule that you are referring to specifically states that this is the way to file a petition for reinstatement.

It seems to me that if there is a rule for rehabilitation, it has to be clearly stated, this is the requirement for - this is what you need to do to establish the obligation. Otherwise, it's so **vague**. I could go down there and play soccer and come back

and say that I'm so fit I'm rehabilitated. I don't know what that means.

Rehabilitation, it's an English word that is so vague and so overwrought that it's constitutionally (unintelligible). If there is anything that the court has specifically said this we need done - clearly specified - and I have not done that, that's the - otherwise, I don't know what rehabilitation is.

THE COURT: Have you read the case, People versus Klein?

MR. EGBUNE: I did read it. And I analyzed the case and I'm sure Mr. Sudler read my Supreme Court of the United States petition. I analyzed the case and felt that it is - based on People versus Klein, I have complied.

MR. SUDLER: Your Honor, I would, at this point, I - I know it should be in writing, but I'm going to move to dismiss the petition. It doesn't - it doesn't meet the standards of the rules. And if the court would like for me to put that in written motion, I'll do so.

THE COURT: No. I'll accept the oral motion. **Motion's granted**. I will give you ten days within which to file a verified petition that complies with the rule that requires that you set forth those facts upon which you intend to rely to establish **rehabilitation, fitness to practice law, and compliance with all prior disciplinary orders.**

MR. SUDLER: Your Honor, may I also ask that the court take note - not notice - but take note that there is prior order of disability in this - in Mr. Egbune's case that did come up in a prior reinstatement proceeding?

THE COURT: I'm aware of that, that there is a prior order and there is - the position of the people is that Mr. Egbune has not complied with those disability orders.

MR. SUDLER: At this time, I don't know of any evidence -

THE COURT: Okay.

MR. SUDLER: -that would be my position.

CERTIFICATE

I, Patricia D, Thiel, Notary Public within and for the State of Colorado, do hereby certify:

That the foregoing proceedings were transcribed from an audio recording and thereafter reduced to typewritten form under my supervision, and that the same is, to the best of my ability, a true and correct transcription of the proceedings as I was able to hear them on the audio recording made available to me for re-recording and transcription;

That I am not related to or in any way associated with any of the parties to said case or action, or their counsel, and that I am not interested in the event thereof.

In witness whereof, I have affix my signature and seal this 28th day of August, 2003.

My commission expires November 4, 2003.

Signed

_____

Patricia D. Thiel, Transcriber

NOTARY
PUBLIC
Seal

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APPENDIX C

INQUIRY LETTER CONCERNING REHABILITATION

Patrick Anene Egbune
818 South Chambers Road, #302
Aurora, Colorado 80017
Telephone: (303)745-7519

June 7, 2003

Certified Mail No.: 7002 2030 0000 5194 1415

Mr. James S. Sudler.
600 17th Street, Suite 200-South
Denver, Colorado 80202

Dear Mr. Sudler:

This letter may confirm that at about 11:00 a. m., on Tuesday, June 3, 2003, I called your office and spoke to you. Specifically, I discussed the issue of my petition for reinstate to the practice of law which was dismissed by the disciplinary judge. The judge discussed the need to deal with the issue of rehabilitation and also the fact that your office indicated that I did not provide it with quarterly statement of my medical report.

I reiterated my good faith statement that the "rehabilitation" requirement is Constitutionally vague since nobody knows what "rehabilitation" program meets your office's requirement and that to the best of my knowledge, I have complied with the information in existence in case law. **You did state that the decision of the disciplinary judge is not binding on your office**. This led to my stating again, my position that the rehabilitation requirement is vague and violates due process.

I suggested a stipulation that would advise me as to what your office considers rehabilitation in my case. I informed you that judges in all courts have guidelines as to what is needed in all sentencing procedure. Mere statement of "rehabilitation" is vague. You indicated that your office had stipulated with other attorneys as to what is required for "rehabilitation".

You mentioned some programs that you believe may be acceptable for my case, but you agreed to review my file and call to inform me as to your office's position. Since I did not hear from you, I thought I write this letter as a reminder and hope that you will in writing inform me as to what your office will consider "rehabilitation" in my case and how to **cure your office's need to have my medical report when I am not practicing law,** for the purpose of filing my petition for reinstatement. Thank you.

Sincerely yours,

Signed

_____

Patrick Anene Egbune

APPENDIX D

RESPONSE TO INQUIRY LETTER CONCERNING REHABILITATION

COLORADO SUPREME COURT
ATTORNEY REGULATION COUNSEL

(Oval insignia)

Attorneys' Fund for Client Protection
Unauthorized Practice of Law

Regulation Counsel
John S. Gleason

Chief Deputy Regulation Counsel
Nancy L. Cohen

Deputy Regulation Counsel
James C. Coyle

Assistant
Regulation Counsel

Terry Bemuth
Stephen R. Fatzinger
Luain T. Hensel
Kim E. Ikeler
Debora D. Jones
Fredrick J. Kraus
Matthew A. Samuelson
Gregory G. Sapakoff
Louise Culberson-Smith
James S. Sudler
Andrew D. Synchef

June 10, 2003

Patrick A. Egbune
818 South Chambers Road, #302
Aurora, CO 80017
Dear Mr. Egbune:

Thank you for your letter of June 7, 2003, which I received on June 9, 2003. I have not yet had a chance to call you after your request that you have documented in your letter.

I do not know that we will ever be able to enter into a stipulation with you, however I do not preclude that possibility.

You asked me to tell you what I thought might be acceptable as far as rehabilitation is concerned. I agree with you that it is difficult to determine in some situations what rehabilitation would be. However, that does not mean that I agree with you that there is some constitutional infirmity about the rule and the requirement that you prove by clear and convincing evidence rehabilitation.

My view is that you need to show rehabilitation from all of the misconduct that was found against you in all of the proceedings. Specifically, I think the most serious misconduct in all the cases against you was the sexual assault of your client. As you know, that led to a finding that you violated Rule 8.4(b). You will need to show by clear and convincing evidence that you have been rehabilitated from misconduct. In the past, you have failed to acknowledge that the hearing board found that

you committed this act and therefore you are unwilling to engage in any rehabilitation efforts.

My thought is that you should find a program that is administered to persons who have been found guilty of sexual assault, particularly with regard to relationships such as that of an attorney-client. If I were you, I would contact the Denver District Court Probation Department or the Arapahoe County District Court Probation Department to see if they have any suggestions about programs you could take. Additionally, as I suggested to you on the telephone, you may want to contact an organization known as AMEND. The information I have for an office of AMEND near you is the following:

AMEND
6565 South Dayton Street
Englewood, CO 80111
303-220-1911

I cannot enter into any sort of agreement with you that if you participate with AMEND or any other organization that we will stipulate to your reinstatement. However, I do believe that such a rehabilitation program is necessary.

You were also found to have been incompetent, to have made a false statement of fact to a tribunal with a recklessness of mind, failed to comply with discovery requests and other misconduct in the matter with Mr. Cockerille. I believe it is important for you to find some sort of continuing legal education program that specifically addresses competence and civil procedure matters, investigation of counter-claims, and representation of a parent in a matter in which there are GAL expenses. Additionally, I think it is important that you find a continuing legal education course concerning your compliance with Rule of Professional Conduct 1.15. The office of Attorney

Regulation Counsel does run a CLE called Trust Account School and you can contact Patti Panfil at (303)893-8121 ext 311 to register for that course.

Additionally, the hearing board in the Cockerille matter found that you violated Colorado Rule of Professional Conduct 1.5(a) about reasonable fees. You will need to show somehow that you have been rehabilitated from that misconduct. You might want to look for CLE course that has to do with fees and fee agreements.

You have to understand that I am not your attorney and that the thoughts expressed herein are not advice to you. All along, I have suggested to you, as did the Presiding Disciplinary Judge, that it would be appropriate and advisable for you to hire your own attorney. That attorney could definitely advise you as to what steps you should take to rehabilitate yourself. My concern is that you might take some of the steps I have outlined here as conditions upon which my office will then definitely stipulate to your reinstatement. I make no such representation. I am more concerned that you engage in these rehabilitation efforts sincerely rather that for the sake of compliance.

You should be advised that a number of attorneys have proven to a hearing board that they were rehabilitated.

Very truly yours,

Signed
James S. Sudler
Assistant Regulation Counsel

JSS/jdw